## REMARKS

Claims 1-16 are pending in the application. In the Office Action of November 14, 2008, the Examiner made the following disposition:

A.) Rejected claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Arnold et al. ("Arnold") (U.S. 6,971,091).

In this Amendment, Claims 1, 7, 13, and 16 have been amended. No new matter has been introduced as a result matter of this Amendment.

Applicant respectfully addresses the Examiner's disposition below.

A.) Rejection of claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Arnold (U.S. 6,971,091).

Independent claims 1, 7, 13, and 16 each claim subject matter relating to optimizing a program. A statistical profile of a program execution is automatically analyzed. Object code of the program is automatically optimized based on at least one of the analysis, information about at least one prior compilation of the program, and information about at least one prior optimization of the program. The automatic optimizing includes determining that additional information is required to optimize the object code of the program, performing a first compiling of a portion of the program, executing the first compiled portion of the program, gathering the additional information, and performing a second compiling of the portion of the program using the gathered additional information. The automatic optimizing includes identifying logical relations between a plurality of predetermined optimization techniques and selecting one of the plurality of optimization techniques based on the logical relations.

This is clearly unlike Arnold, which fails to disclose or suggest identifying logical relations between a plurality of predetermined optimization techniques and selecting one of the plurality of optimization techniques based on the logical relations. Nowhere does Arnold teach or suggest identifying logical relations between a plurality of predetermined optimization techniques and selecting one of the plurality of optimization techniques based on the logical relations. This is simply not discussed in Arnold.

Therefore, Claims 1, 7, 13, and 16 are patentable over Arnold. Claims 2-6, 8-12, 14, and 15 depend directly or indirectly from Claims 1, 7, or 13 and are therefore allowable for at least the same reasons that Claims 1, 7, and 13 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

## Conclusion

In view of the foregoing, it is submitted that claims 1 - 16 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

If the claims are not found to be in condition for allowance, the Examiner is requested to contact the undersigned to schedule an interview before the mailing of the Office Action. Any communication initiated by this paragraph should be deemed an Applicant initiated interview

Respectfully submitted,

Dated: <u>February 17, 2009</u>    By: <u>  /Kader Gacem/                 </u>
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